



DT14 Rec'd PCT/PTO 07 JUL 2003

PCT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11

Applicant : Diane M. Gajewczyk et al.
Appl'n. No. : 09/786,235
Filed : N/A
Title : Treatment of Cervical Cancer
Docket No. : 1038-1129

July 2, 2003

BY COURIER

The Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

RENEWED PETITION UNDER 37 C.F.R. 1.47(a)

This Renewed Petition is submitted pursuant to the Decision on Petition dated April 28, 2003.

In the Decision, it was noted that applicant had failed to meet the requirements outlined in 37 C.F.R. 1.47(a).

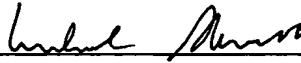
Applicants had submitted a Declaration by Mr. Michael Stewart, the attorney of record, outlining the relevant facts. Submitted herewith is a Declaration by Mr. Reza Yacoob, a member of the Patents Department of the Assignee and having personal knowledge of the facts on which the Petition was based.

This Declaration substitutes for the Declaration of Michael I. Stewart and corrects certain errors contained therein. The last known address of Diane M. Gajewczyk is now:

61 Pinnacle Trail
Aurora, Ontario L4G 7G6
Canada

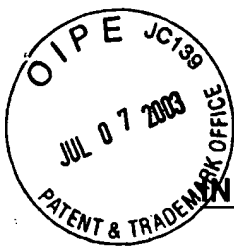
It is submitted that the Petition under 37 C.F.R. 1.47(a) should be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Stewart", is written over a horizontal line.

M.I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada,
(416) 595-1155
FAX No. (416) 595-1163.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Diane M. Gajewczyk et al.
Appl'n. No. : 09/786,235
Filed : N/A
Title : Treatment of Cervical Cancer
Docket No. : 1038-1129

BY COURIER

The Commissioner of Patents
2011 S. Clark Place
Customer Window
Crystal Plaza 2 Lobby, Room 1 B03
Arlington, Virginia 22202
U.S.A.

DECLARATION UNDER 37 CFR 1.47 (a)

I, Reza Yacoob, of 5353 Floral Hill Crescent, Mississauga, Ontario, L5V
1V2, declare as follows:

1. I am a member of the Patents Department of Aventis Pasteur Limited (formerly Connaught Laboratories Limited) and have personal knowledge of the facts set forth herein.
2. This application was filed as a U.S. National Phase filing of PCT/CA99/00807 which claimed priority from U.S. Application No. 60/099,291.
3. On March 29, 2001, I arranged for a complete copy of the specification for this application, including drawings to be forwarded to Diane M. Gajewczyk by Federal Express under waybill number 791513815767 and that material was delivered on April 6, 2001. A copy of the information received from Federal Express by my assistant, Nadia Dumais, is enclosed as Exhibit I.

4. After some delay, in late August 2001, the Declaration and Power of Attorney document was returned, unsigned, along with an Assignment, which was signed. A copy of each of these documents is enclosed as Exhibits II and III respectively. As may be seen, the inventor indicated a new address, which is the last known address of which we are aware, namely:

**61 Pinnacle Trail
Aurora, Ontario L4G 7G6
Canada**

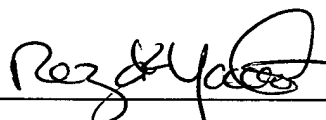
5. Having regard thereto, on September 12, 2001, I arranged for a further Declaration and Power of Attorney with her corrected address to be forwarded to Diane M. Gajewczyk by Federal Express with a return Federal Express envelope to her new last known address, with a request that she executed and return the paper. A copy of the letter sent by my assistant, Nadia Dumais, is enclosed as Exhibit IV. The requested executed Declaration and Power of Attorney has not been returned.

6. Diane M. Gajewczyk terminated employment with Aventis Pasteur Limited on July 29, 2001. The invention which is the subject of this application was made during the period of time that Diane M. Gajewczyk was employed by Aventis Pasteur Limited. The term of her employment contract, oblige Diane M. Gajewczyk, according to paragraph 2 of the Confidentiality Agreement dated May 29, 1989, attached hereto as Exhibit VIII, to execute all papers in connection with any invention made during the course of her employment.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false

statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at *Toronto* on *20* day of *June*, 2003

A handwritten signature in black ink, appearing to read 'Reza Yacoob', is written over a horizontal line.

Reza Yacoob

EXHIBIT I

Dumais, Nadia AvP/CA

From: sysdeliv@esprim5.prod.fedex.com
Sent: Friday, April 06, 2001 6:44 PM
To: nadia.dumais@aventis.com
Subject: FedEx shipment 791513815767

Our records indicate that the shipment sent from NADIA DUMAIS/AVENTIS PASTEUR LIMITED to Dr. Diane Gajewczyk has been delivered.
The package was delivered on 04/06/2001 at 01:29 PM and signed for or released by G.AJAWCZK.

The ship date of this shipment was 03/29/2001.

The tracking number of this shipment was 791513815767.

Thank you for shipping with FedEx Ship Manager at Fedex.com.
https://www.fedex.com/cgi-bin/ship_it/interNetShip/

To track the status of this shipment on line click on the following link:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=791513815767&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.

En nos dossiers, l'envoi expédié par NADIA DUMAIS/AVENTIS PASTEUR LIMITED à Dr. Diane Gajewczyk a été livré. L'envoi a été livré le 2001.4.6 à 13:29 et G.AJAWCZK a signé ou autorisé une décharge.

La date d'envoi de ce colis est le 2001.3.29.
Le numéro de suivi de ce colis est 791513815767.

Nous vous remercions de traiter vos expéditions par FedEx Ship Manager at Fedex.com.
https://www.fedex.com/cgi-bin/ship_it/interNetShip/

Pour effectuer le suivi de cet envoi en ligne, cliquez sur le lien suivant:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=791513815767&action=track&language=french&cntry_code=ca_french

Renonciation

FedEx ne valide pas l'exactitude de l'adresse électronique.

Docket No.
1038-1129 MIS:jb

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TREATMENT OF CERVICAL CANCER

the specification of which
(check one)

☐ is attached hereto.

☒ was filed on September 3, 1999 as United States Application No. or PCT International
Application Number PCT/CA99/00807
and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

September 4, 1998

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/CA99/00807

September 3, 1999

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date).

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

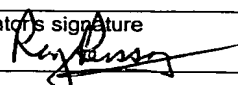

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

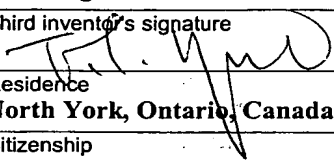
Michael I. Stewart (Reg. No. 24,973)

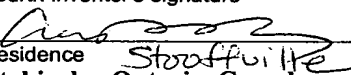
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6th Floor, 330 University Avenue
Toronto, Ontario
Canada, M5G 1R7.

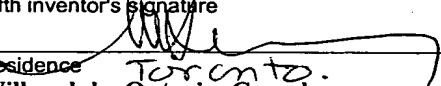
Direct Telephone Calls to: *(name and telephone number)*
416-595-1155

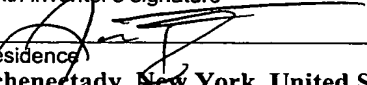
Full name of sole or first inventor Diane M. Gajewczyk	
Sole or first inventor's signature	Date
Residence Toronto, Ontario, Canada	
Citizenship Canadian	
Post Office Address 21 Crafton Avenue, Toronto, Ontario, Canada, M6R 1C3.	

Full name of second inventor, if any Roy Persson	
Second inventor's signature 	Date March 20, 1990 
Residence North York, Ontario, Canada	
Citizenship Canadian	
Post Office Address Unit 604, 7 Bishop Avenue, North York, Ontario, Canada, M2M 4J4.	

Full name of third inventor, if any Fei-Long Yao	
Third inventor's signature 	Date 27 March 2001
Residence North York, Ontario, Canada	
Citizenship Canadian	
Post Office Address 81 Elsa Vineway, North York, Ontario, Canada, M2J 4H8.	

Full name of fourth inventor, if any Shi-Xian Cao	
Fourth inventor's signature 	Date 30 Mar 2001
Residence Eto Stouffville Stouffville, Ontario, Canada	
Citizenship Canadian	
Post Office Address Apt. 408, 716 The West Mall, Etobicoke, Ontario, Canada, M9C 4X6.	
12455 Ninth Line, #204, Stouffville, Ontario, Canada, L4A 1J3	

Full name of fifth inventor, if any Michel H. Klein	
Fifth inventor's signature 	Date March 19, 2001
Residence Willowdale, Toronto. Willowdale, Ontario, Canada	
Citizenship Canadian	
Post Office Address 16 Munro Boulevard, Willowdale, Ontario, Canada, M2P 1B9.	
54 Strathgowan Avenue, Toronto, Ontario, Canada, M4N 1B9	

Full name of sixth inventor, if any James Tartaglia	
Sixth inventor's signature 	Date March 28, 2001
Residence Schenectady, New York, United States of America	
Citizenship U.S.	
Post Office Address 7 Christina Drive, Schenectady, New York 12303, United States of America.	

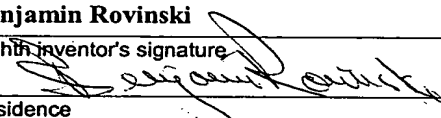
Full name of seventh inventor, if any Phillipe Moingeon	
Seventh inventor's signature <i>Phillipe Moingeon</i>	Date <i>5/4/2001</i>
Residence F-Pommiers, France	
Citizenship French	
Post Office Address Chemin St. Jean, F-Pommiers, France.	

Full name of eighth inventor, if any Benjamin Rovinski	
Eighth inventor's signature	Date
Residence Thornhill, Ontario, Canada	
Citizenship Canadian	
Post Office Address 70 Winding Lane, Thornhill, Ontario, Canada, L4J 5H6.	

Full name of ninth inventor, if any	
Ninth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of tenth inventor, if any	
Tenth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of seventh inventor, if any Phillipe Moingeon	
Seventh inventor's signature	Date
Residence F-Pommiers, France	
Citizenship French	
Post Office Address Chemin St. Jean, F-Pommiers, France.	

Full name of eighth inventor, if any Benjamin Rovinski	
Eighth inventor's signature 	Date April 3, 2001
Residence Thornhill, Ontario, Canada	
Citizenship Canadian	
Post Office Address 70 Winding Lane, Thornhill, Ontario, Canada, L4J 5H6.	

Full name of ninth inventor, if any	
Ninth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of tenth inventor, if any	
Tenth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : D. Gajewczyk
Appl'n. No. : 09/786,235
I.A. Filing Date : September 3, 1999
Title : TREATMENT OF CERVICAL CANCER
Grp./A.U. :
Examiner :
Docket No. : 1038-1129 MS:jb

June 28, 2001

BY COURIER

The Commissioner of Patents
and Trademarks,
Washington, D.C. 20231,
U.S.A.

VOLUNTARY AMENDMENT

The Commissioner of Patents
and Trademarks,
Washington, D.C. 20231,
U. S. A.

Dear Sir:

Please amend this application in the following manner:

In the Disclosure:

Please insert the attached Sequence Listing immediately following
page 25 and before the claims.

REMARKS

The Sequence Listing is added to the specification hereby.

Respectfully submitted

Michael I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada
(416) 595-1155
FAX No. (416) 595-1163

SEQUENCE LISTING

<110> GAJEWCZYK, Diane M.
 PERSSON, Roy
 YAO, Fei-Long
 CAO, Shi-Xian
 KLEIN, Michel H.
 TARTAGLIA, James
 MOINGEON, Phillipe
 ROVINSKI, Benjamin

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35

ASSIGNMENT

WHEREAS, we, (1) Diane M. Gajewczyk; ~~(2) Roy Persson; (3) Fei Long Yao; (4) Shi Xian Cao; (5) Michel H. Klein; (6) James Tartaglia; (7) Phillippe Moingeon; and (8) Benjamin Rovinski,~~ (1) to (5) and (8) citizens of Canada, ~~(6) citizen of USA and (7) citizen of France,~~ residing respectively at ~~21 Cranston Ave., Toronto, Ontario, Canada, M6R 4G3; Unit 604, 7 Bishop Avenue, North York, Ontario, Canada, M2M 4J4; 81 Elsa Vineway, North York, Ontario, Canada, M2J 4H8; Apt. 408, 716 The West Mall, Etobicoke, Ontario, Canada, M9C 4X6; Apt. 408, 716 The West Mall, Etobicoke, Ontario, Canada, M9C 4X6; 16 Munro Boulevard, Willowdale, Ontario, Canada, M2P 1B9; 7 Christina Drive, Schenectady, NY 12303, U.S.A.; Chemin St Jean, F-Pommiers, France; and 70 Winding Lane, Thornhill, Ontario, Canada, L4J 5H6;~~ ^{1st Pinnacle Trail Aurora} ~~residing respectively at 21 Cranston Ave., Toronto, Ontario, Canada, M6R 4G3;~~ ^{L4G 7G6} Unit 604, 7 Bishop Avenue, North York, Ontario, Canada, M2M 4J4; 81 Elsa Vineway, North York, Ontario, Canada, M2J 4H8; Apt. 408, 716 The West Mall, Etobicoke, Ontario, Canada, M9C 4X6; Apt. 408, 716 The West Mall, Etobicoke, Ontario, Canada, M9C 4X6; 16 Munro Boulevard, Willowdale, Ontario, Canada, M2P 1B9; 7 Christina Drive, Schenectady, NY 12303, U.S.A.; Chemin St Jean, F-Pommiers, France; and 70 Winding Lane, Thornhill, Ontario, Canada, L4J 5H6; have invented certain new and useful improvements in **TREATMENT OF CERVICAL CANCER**, for which invention we have filed an International patent application No. PCT/CA99/00807 on September 3, 1999; and

WHEREAS, we verily believe ourselves to be the original, first and co-inventors of the invention set forth in said application for Letters Patent; and

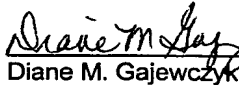
WHEREAS, AVENTIS PASTEUR LIMITED, a company organized and existing under the laws of the Province of Ontario, sometimes referred to as "said assignee" having a place of business at 1755 Steeles Avenue West, Toronto, Ontario, Canada, M2R 3T4, are desirous of acquiring the entire and exclusive right, title and interest in and to said invention, any and all patent applications which may be filed thereon, and any and all Letters Patent which may be granted or issued thereon in the United States and throughout the world, including any and all divisions, continuations, reissues and extensions of any of the foregoing;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the said AVENTIS PASTEUR LIMITED, and other good and valuable consideration, receipt of which is hereby acknowledged, we, the said Diane M. Gajewczyk; Roy Persson; Fei Long Yao; Shi Xian Cao; Michel H. Klein; James Tartaglia; Phillippe Moingeon; and Benjamin Rovinski, have sold, assigned, transferred and set over and do hereby sell, assign, transfer and set over unto the said assignee, its successors and assigns, the entire and exclusive right, title and interest in and to said invention, patent applications and Letters Patent which may be granted or issued for said invention in the United States and throughout the world, including all divisions, continuations, reissues and extensions thereof and all international priority rights associated therewith all to be held by us had this assignment not been made, and we hereby authorize and request the

Commissioner of Patents and Trademarks of the United States and the duly constituted authorities of all foreign countries of the world to issue all Letters Patent relating to the foregoing rights to said assignee, its successors and assigns;

AND we further agree that we will promptly, upon request and without further compensation, do all lawful acts including the execution of all necessary documents, and the giving of testimony that in the opinion of the said assignee, its successors and assigns may be necessary or desirable for obtaining, sustaining, or reissuing United States and foreign Letters Patent relating to the foregoing assigned rights, and for perfecting, affirming, recording and maintaining the title of said assignee, its successors and assigns thereto, and that we will generally cooperate to the fullest extent in all matters pertaining to said invention and patents, and said assignee's title thereto.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this on
day of June 1, 2001.


Diane M. Gajewczyk


Roy Persson


Fei-Long Yao


Shi-Xian Cao


Michel H. Klein


James Tartaglia


Phillipe Moingeon


Benjamin Rovinski

On this day of , 2001, before me, the subscribers, personally appeared Diane M. Gajewczyk; ~~Roy Persson; Fei-Long Yao; Shi-Xian Cao; Michel H. Klein; James Tartaglia; Phillipe Moingeon; and Benjamin Rovinski~~, to me known to be the same persons described in and who executed the foregoing instrument, and they acknowledged that they executed the same.

Notary Public